

HOUSE No. 353

By Mr. Falzone of Saugus, petition of Mark V. Falzone relative to survivor benefits for children under the public employee retirement law. Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT TO INCREASE THE AMOUNT OF BENEFIT TO CHILDREN WHO ARE SURVIVORS IN THE CASE OF AN ACCIDENTAL DEATH BENEFIT UNDER THE PROVISIONS OF CHAPTER THIRTY-TWO.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section nine of Chapter 32 of the General Laws, as appearing
2 in the 2000 Official Edition, is hereby amended by deleting sub-
3 section (2) (d) and substituting the following:—
4 (d) A yearly amount of additional pension determined at the
5 rate of three hundred and twelve dollars yearly for any surviving
6 unmarried child of such member who is under eighteen and or is
7 over said age and physically or mentally incapacitated from
8 earning on the date of his death; provided, however, that in the
9 state and teachers' systems and any other system electing to adopt
10 the supplemental dependent allowance, the yearly amount of such
11 additional pension shall be determined by the actuary as here-
12 inafter provided. Such additional pension on account of any child
13 shall be paid only so long as such child survives, remains unmar-
14 ried and is under the age of eighteen or, if over said age, remains
15 physically or mentally incapacitated from earning or, if over said
16 age and under twenty-one, is a fulltime student at an accredited
17 educational institution. The words "full-time student" shall mean
18 a child who is in full-time attendance in an accredited educational
19 institution offering full-time courses of study equivalent to or
20 higher than secondary school study. The words "accredited educa-
21 tional institution" shall mean any school, college, or university
22 that is licensed, approved, or accredited, as the case may be, in the

23 state in which it is located. Beginning July first, nineteen-hundred
24 and eighty-eight, the additional pension provided by the supple-
25 mental dependent allowance shall be fixed at a rate of four hun-
26 dred and fifty dollars for each eligible child. Beginning July first,
27 nineteen hundred and eighty-nine, the supplemental dependent
28 allowance rate shall be increased by an amount equal to the per-
29 centage increase of the cost of living determination made by the
30 general court for each year pursuant to section one hundred and
31 two or any subsequent increases adopted pursuant to section one
32 hundred and three. Systems may adopt the supplemental depen-
33 dent allowance by an affirmative vote of the retirement board, rat-
34 ified by the chief executive officer and legislative body as defined
35 in paragraph (c) of sub-division (8) of section twenty-two. Adop-
36 tion of the supplemental allowance by any system may not be
37 revoked.